

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

CHARLES A. HELTON and
ALLEN DALE COLE,

Plaintiffs,

v.

CHATTANOOGA POLICE DEPARTMENT,
and MARK BENDER, individually and
in his capacity as an officer for the
Chattanooga Police Department,

Defendants.

No. 1:05-CV-357

Judge Curtis L. Collier

ORDER

United States Magistrate William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) on March 2, 2007 (Court File No. 10). Neither party filed an objection within the given ten (10) days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. The Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Accordingly, the Court **ORDERS**:

Plaintiffs to show cause within ten (10) days of the entry of this order why this action should not be dismissed for failure to prosecute.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE